

Frequently Asked Questions
New State Board Rules for Special Education Programs
by
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- Q: Can a nurse practitioner certify that a child needs a homebound placement?
- A: No. Rule 0520-01-09-.07(2)(b) provides that IEP team shall consider a medical homebound placement only upon certification by a licensed doctor of medicine or osteopathy.
- Q: Can homebound placement be provided for a student who is not IDEA eligible?
- A: Yes. T.C.A. §49-6-3002(b) authorizes local education agencies to administer hospital or homebound instruction to students pursuant to local board of education policy.
- Q: What do we do in the case of extreme medical issues? At what point do they continue to be a "Homebound" student vs. being withdrawn via a medically certified withdrawal?
- A: T.C.A. §49-6-3005(a)(1) provides that children mentally or physically incapacitated to perform school duties, as attested by a duly licensed physician, may be excused from compulsory attendance upon judgment of the local board of education.
- Q: The homebound regulations apply to children who are not of compulsory attendance age (i.e., preschool children)?
- A: Yes. The special education regulations apply to children with disabilities ages 3 through 21 inclusive.

- Q: Does the 4 year plan take the place of the "course of study" requirement in transition services before 16th?
- A: Yes. Rule 0520-01-09-.12(4) provides that prior to the 9th grade or age fourteen (14) (or younger, if determined appropriate by the IEP team), all students will develop an *initial four (4)-year plan of focused and purposeful high school study*. The plan will be reviewed annually and amended as necessary and will connect the student's goals for high school including, the courses and/or training and/or skills necessary to meet their potential after high school. This required plan will include identifying possible transition service needs of the student under the applicable components of the student's IEP. This plan may be developed through a process in general education but a copy must be in the students IEP after approval by the IEP team.
- Q: IEP meeting-- what about a verbal request? Does the 10 day rule apply?
- A: Rule 0520-01-09-.14 addresses the situation where a member of the IEP team requests a meeting. In such situations, the request must be in writing. This rule is most frequently invoked by the parent.
Rule 0520-01-09-.15 addresses situations where a local education agency desires to conduct an IEP meeting for any purpose. This notification may be verbal, but should be documented via phone logs, etc. A manifestation determination review may be convened on as little as twenty-four hours notification.
- Q: 24 hour notice for discipline regardless of zero tolerance vs. non-zero tolerance?
- A: Yes. Rule 0520-01-09-.15 does not distinguish between the two classes of misconduct with regard to the manifestation review meeting.
- Q: What do you think about a competent 18 years old giving their power of attorney to his/her parents to make education decisions?
- A: If a child with a disability has attained the age of majority and has not been adjudicated mentally incompetent, the child is considered legally competent to make his or her own decisions. The child may desire to invite the parents to IEP meetings and have them otherwise involved in the educational process; however the decisions should be made by the adult child.

- Q: If progress reports made for students without disabilities are data-based, such as letter grades with a numerical equivalent, must then progress reporting towards IEP goals also be data-based, i.e., more specific than "some progress made"?
- A: Currently, progress reporting towards IEP goals is not data based.
- Q: What about General Ed 4 year olds being placed on homebound?
- A: Homebound services for such children could be administered, depending on local board of education policy.
- Q: What happens if the parent refuses to do anything after the 14 days which includes a written complaint, etc. but the child is not in school and is not receiving services.
- A: If the parent does not request a due process hearing within fourteen (14) calendar days of the meeting during which the IEP was changed, the IEP as amended should be implemented. If the child does not attend school, truancy proceedings should be commenced.
- Q: You stated that we need to make the changes at Spring IEP meetings - what should systems do that actually hold annual meetings throughout the school year?
- A: The IEP should be amended to conform to the new rules at the scheduled IEP meeting after the effective date of the rules.
- Q: Are children not eligible for IDEA not entitled to homebound services under TN law, or do these regs just not apply to children not IDEA eligible?
- A: Homebound services may be administered to any child. The special education homebound rules are applicable specifically to children with disabilities served with IDEA funds.
- Q: If a child is in an accident and thus has traumatic brain injury, he cannot be on homebound while recovering in hospital?

- A: He can receive homebound instruction during his recovery. However, if IDEA funds are utilized in the provision of homebound services, he must first be determined to be a child with a disability pursuant to the IDEA.
- Q: Practically speaking, must an IEP team meeting be convened prior to a child's placement being changed from school to homebound? We have seen recently in some counties homebound placements being made without an IEP team meeting taking place during which things like frequency and duration of services being determined.
- A: Yes. The IEP team must meet and make the initial homebound placement decision. Thereafter, it must review the placement at intervals of thirty (30) school days.
- Q: Are you saying that a full IEP team must be convened every 30 days, regardless of whether the MD has placed this child (with a serious Medical--not Mental) illness?
- A: No. The review may be conducted via the alternate means of meeting participation, as allowed by the regulations.
- Q: If there is an extended homebound instruction in place-the child is on a ven and medically fragile, must they meet every 30 days?
- A: No. The IEP must be reviewed every thirty (30) school days
- Q: What about the disciplinary procedures? Were any changes made to them?
- A: Yes. Pursuant to adoption of the federal regulations, all children with disabilities, including intellectually gifted children, are subject to the disciplinary safeguards.